Supreme Court, U.S.
FILED
DEC 8 - 2004
OFFICE OF THE CLERK

(5)

No. 03-1693

IN THE

Supreme Court of the United States

McCREARY COUNTY, KENTUCKY, *et al.*
Petitioners.

v.

ACLU OF KENTUCKY, *et al.*,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

JOINT APPENDIX

Mathew D. Staver
(Counsel of Record)
Erik W. Stanley
Anita L. Staver
Rena M. Lindevaldsen
Bruce W. Green
Mary E. McAlister
Lindsey F. Martin
LIBERTY COUNSEL
210 East Palmetto Avenue
Longwood, FL 32750
(407) 875-2100 - Phone
(407) 875-0770 - Fax
Attorneys for Petitioners

David A. Friedman
(Counsel of Record)
Lili S. Lutgens
AMERICAN CIVIL LIBERTIES
UNION OF KENTUCKY
315 Guthrie Green, Ste. 300
Louisville, KY 40202
(502) 581-1181 - Phone
(502) 589-9687 - Fax
Attorneys for Respondents

(Additional Counsel listed on
inside cover)

Petition for Certiorari Filed June 21, 2004
Certiorari Granted October 12, 2004

Steven R. Shapiro
ACLU FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2611
Additional Counsel for
Respondents

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U.S. DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY (LONDON)
CIVIL DOCKET FOR CASE #: 6:99-cv-00507-JBC

Date	#	Description
11/18/1999	1	COMPLAINT (one summons issued) with copy, given to attorney for service of process, Fee Paid $ 150, Receipt No. 082262 (RBB) (Entered: 11/19/1999)
11/18/1999	2	MOTION by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe for preliminary injunction (RBB) (Entered: 11/19/1999)
11/18/1999	3	MEMORANDUM by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe in support of motion for preliminary injunction [2-1] (RBB) (Entered: 11/19/1999)
12/21/1999	4	MOTION by defendant Jimmie Greene, defendant McCreary County, KY to dismiss complaint (RBB) (Entered: 12/22/1999)
12/21/1999	5	MEMORANDUM by defendant Jimmie Greene, defendant McCreary County, KY in support of motion to dismiss complaint [4-1] (RBB) (Entered: 12/22/1999)
01/05/2000	6	ORDER by Judge Jennifer B. Coffman:

ORDERED that plfs shall have until 1/23/00 to file a response to dfts' motion to dismiss (cc: all counsel) [EOD Date: 1/6/00] (RBB) (Entered: 01/06/2000)

01/10/2000 7 MOTION by plaintiff, defendant for extension until and including 1/23/00 to respond to dfts' motion to dismiss (NHS) (Entered: 01/12/2000)

01/12/2000 -- SUBMITTED re motion for extension until and including 1/23/00 to respond to dfts' motion to dismiss [7-1] is submitted (NHS) (Entered: 01/12/2000)

02/09/2000 8 MOTION by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe for leave to file consolidated reply memo in support of their motions for preliminary injunction and in response to dfts' mts to dismiss; stating dfts consented to additional extension of time (RBB) (Entered: 02/11/2000)

02/09/2000 -- PROPOSED REPLY AND RESPONSE tendered by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe; REPLY IN SUPPORT OF PLF'S MTS FOR PRELIMINARY INJUNCTION AND IN RESPONSE TO DFTS' MOTIONS TO DISMISS (RBB) (Entered: 02/11/2000)

02/11/2000 -- SUBMITTED re motion for leave to file consolidated reply memo in support of their motions for preliminary injunction and in response to dfts' mts to dismiss [8-1] is submitted (RBB) (Entered: 02/11/2000)

03/02/2000 9 ORDER by Judge Jennifer B. Coffman: granting plf's motion for leave to file consolidated reply memo in support of their motions for preliminary injunction and in response to dfts' mts to dismiss (cc: all counsel) [EOD Date: 3/2/00] (RBB) (Entered: 03/02/2000)

03/02/2000 10 REPLY by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe to dfts' response to plfs' motion for preliminary injunction [2-1] (RBB) (Entered: 03/02/2000)

03/02/2000 10 RESPONSE by plaintiff ACLU of KY, plaintiff Louanne Walker, plaintiff Dave Howe to dfts' motion to dismiss complaint [4-1] (RBB) (Entered: 03/02/2000)

03/02/2000 -- SUBMITTED re motion for preliminary injunction [2-1] is submitted (RBB) (Entered: 03/02/2000)

03/20/2000 11 MOTION by defendant Jimmie Greene, defendant McCreary County, KY for oral argument (RBB) (Entered: 03/22/2000)

03/20/2000 12 RESPONSE by defendant Jimmie Greene, defendant McCreary County, KY to plfs' CONSOLIDATED REPLY [10-1]; ATTACHMENTS FILED SEP. VOL. (RBB) (Entered: 03/22/2000)

03/20/2000 12 (MEMORANDUM) REPLY by defendant Jimmie Greene, defendant McCreary County, KY to plfs' response to dfts' motion to dismiss complaint [4-1]; ATTACHMENTS FILED IN SEP. VOL. (RBB) (Entered: 03/22/2000)

03/20/2000 12 MEMORANDUM by defendant Jimmie Greene, defendant McCreary County, KY in support of motion for oral argument [11-1]; ATTACHMENTS FILED IN SEP. VOL. (RBB) (Entered: 03/22/2000)

03/22/2000 -- SUBMITTED re motion dfts' to dismiss complaint [4-1] is submitted (RBB) (Entered: 03/22/2000)

03/27/2000 13 ORDER by Judge Jennifer B. Coffman: ORDERED that this matter is scheduled for hearing at London on April 20, 2000 at 1:00 p.m. (cc: all counsel) [EOD Date: 3/27/00] (RBB) (Entered: 03/27/2000)

04/20/2000 14 GENERAL MINUTES: before Judge Jennifer B. Coffman; Date(s) 4/20/00; Court Reporter Nathan Perkins; in-court hearing held 4/20/00 ; Laurie Griffith,

David Friedman, Kathleen M. Flynn for plfs; Theodore Amshoff, Ronald Ray, Johnnie Turner for dfts; case called for oral argument; taking under advisement the motion to dismiss complaint [4-1], taking under advisement the motion for preliminary injunction [2-1] (cc: all counsel) [EOD Date: 4/21/00] (NHS) (Entered: 04/21/2000)

05/05/2000 15 ORDER by Judge Jennifer B. Coffman: ORDERED that plf's motion to dismiss is DENIED; FURTHER ORDERED that theTen Commandments display shall be removed from the McCreary County Courthouse IMMEDIATELY; FURTHER ORDERED that neither the dft Jimmie Greene nor any other McCreary County Official, acting in their official capacity, shall erect or cause to be erected similar displays w/in McCreary County, KY (cc: all counsel) [EOD Date: 5/5/00] (RBB) (Entered: 05/05/2000)

05/10/2000 16 NOTICE OF APPEAL by defendant Jimmie Greene, defendant McCreary County, KY from Dist. Court ORDER entered 5/5/00 [15-1] (cc: all counsel) (RBB) (Entered: 05/11/2000)

05/10/2000 17 MOTION by defendant Jimmie Greene, defendant McCreary County, KY for order staying preliminary injunction during

pendency of appeal (RBB) (Entered: 05/11/2000)

05/10/2000 18 MEMORANDUM by dft Jimmie Greene, dft McCreary County, KY in support of motion for order staying preliminary injunction during pendency of appeal [17-1] (RBB) (Entered: 05/11/2000)

05/10/2000 -- RECEIVED re NOTICE OF APPEAL [16-1] fee in amount of $ 105 (Receipt # 083386) (RBB) (Entered: 05/11/2000)

05/11/2000 -- NOTIFICATION to 6CCA; Short Record Mailed, Appeal Package Mailed to Appellant, Copy of Docket Sheet to Parties; [16-1] (cc: all counsel) (RBB) (Entered: 05/11/2000)

05/12/2000 19 ORDER by Judge Jennifer B. Coffman: ORDERED denying dft's motion for order staying preliminary injunction during pendency of appeal [17-1]; FURTHER ORDERED that plfs need not respond to dfts' mt for a stay (cc: all counsel) [EOD Date: 5/12/00] (RBB) Modified on 05/12/2000 (Entered: 05/12/2000)

05/15/2000 20 MOTION by defendant Jimmie Greene, defendant McCreary County, KY for order to stay preliminary inj during pendency of mt to 6CCA for stay pending appeal (RBB) (Entered: 05/18/2000)

----------V O L U M E 2----------

05/22/2000 21 ORDER by Judge Jennifer B. Coffman: IT IS SO ORDERED; finding the defts' motion for order to stay preliminary inj during pendency of mt to 6CCA for stay pending appeal [20-1] moot (cc: all counsel) [EOD Date: 5/22/00] (EHM) (Entered: 05/22/2000)

05/25/2000 22 CERTIFIED COPY of 6CCA Order: ORDERED that dfts' mts for stays pending appeal of the preliminary injunctions issued by the district court are DENIED (RBB) (Entered: 05/25/2000)

05/25/2000 23 MOTION by defendant Jimmie Greene, defendant McCreary County, KY for additional 20 days to answer complaint (RBB) (Entered: 05/30/2000)

05/25/2000 24 MOTION by defendant Jimmie Greene, defendant McCreary County, KY to withdraw counsel Colonel Ronald Ray and Theodore H. Amshoff, Jr. (RBB) (Entered: 05/30/2000)

05/30/2000 25 NOTIFICATION by 6CCA of Appellate Docket Number 00-5632; Mary Patterson, Case Manager (SKV) (Entered: 05/30/2000)

06/06/2000 26 MOTION by defendant Jimmie Greene,

defendant McCreary County, KY for attorney ERIK W. STANLEY to appear pro hac vice (RBB) (Entered: 06/07/2000)

06/06/2000 27 MOTION by defendant Jimmie Greene, defendant McCreary County, KY for attorney MATHEW D. STAVER to appear pro hac vice (RBB) (Entered: 06/07/2000)

06/07/2000 -- FEE PAID $ 130, Receipt No. 083469; PHV fee for attorney Staver and Stanley (RBB) (Entered: 06/07/2000)

06/07/2000 -- SUBMITTED re motion for attorney MATHEW D. STAVER to appear pro hac vice [27-1], re motion for attorney ERIK W. to appear pro hac vice [26-1], re motion to withdraw counsel Colonel Ronald Ray and Theodore H. Amshoff, Jr. [24-1], re motion for additional 20 days to answer complaint [23-1] is submitted (RBB) (Entered: 06/07/2000)

06/08/2000 28 UNOPPOSED MOTION by dft Jimmie Greene, dft McCreary County, KY to extend time to answer to June 14, 2000 (RBB) (Entered: 06/09/2000)

06/09/2000 -- SUBMITTED re dfts' motion to extend time to answer to June 14, 2000 [28-1] (RBB) (Entered: 06/09/2000)

06/13/2000 29 ORDER by Judge Jennifer B. Coffman: Defts time to answer complaint of plffs shall be extended to June 14, 2000 [28-1] (cc: all counsel) [EOD Date: 6/13/00] (EHM) (Entered: 06/13/2000)

06/14/2000 30 ANSWER by dft Jimmie Greene, dft McCreary County, KY to COMPLAINT [1-1] (NHS) (Entered: 06/14/2000)

06/19/2000 31 ORDER by Judge Jennifer B. Coffman granting dfts' motion for additional 20 days to answer complaint [23-1] (cc: all counsel) [EOD Date: 6/19/00] (RBB) (Entered: 06/19/2000)

06/19/2000 32 ORDER by Judge Jennifer B. Coffman: ORDERED that Colonel Ronald Ray and Theodore H. Jr. attorney for McCreary County, KY, and Jimmie Greene, are granted lv to w/draw as counsel (cc: all counsel) [EOD Date: 6/19/00] (RBB) (Entered: 06/19/2000)

06/19/2000 33 ORDER by Judge Jennifer B. Coffman granting motion for attorney MATHEW D. STAVER to appear pro hac vice [27-1] defendant Jimmie Greene, defendant McCreary County, KY all counsel) [EOD Date: 6/19/00] (RBB) (Entered: 06/19/2000)

06/19/2000 34 ORDER by Judge Jennifer B. Coffman

granting motion for attorney ERIK W. STANLEY to appear pro hac vice [26-1] for defendants Jimmie Greene and McCreary County, KY (cc: all counsel) [EOD Date: 6/19/00] (RBB) (Entered: 06/19/2000)

08/01/2000 35 MOTION by dfts to clarify the preliminary injunction order dated 5/5/00 (RBB) Modified on 08/23/2000 (Entered: 08/02/2000)

08/16/2000 36 TRANSCRIPT filed of HEARING before JENNIFER B. COFFMAN Date(s) of transcript 4/20/00 @ 1:19 p.m. (RBB) (Entered: 08/23/2000)

08/18/2000 37 RESPONSE by plfs to dfts' motion to clarify the preliminary injunction order dated 5/5/00 [35-1] (RBB) (Entered: 08/23/2000)

09/12/2000 -- SUBMITTED re motion to clarify the preliminary injunction order dated 5/5/00 [35-1] is submitted (RBB) (Entered: 09/12/2000)

09/15/2000 38 ORDER by Judge Jennifer B. Coffman denying motion to clarify the preliminary injunction order dated 5/5/00 (cc: all counsel) [EOD Date: 9/18/00] (RBB) (Entered: 09/18/2000)

10/27/2000 39 CERTIFIED COPY of 6CCA Order: dismissing the appeal [16-1]; upon consideration of appellants' mt to voluntarily dismiss the appeals herein (RBB) (Entered: 10/31/2000)

12/07/2000 40 MOTION by plfs Dave Howe, Louanne Walker, ACLU of KY for order holding dfts in contempt , or in the alternative for supplemental preliminary injunction (RBB) (Entered: 12/08/2000)

12/07/2000 41 MEMORANDUM by plfs Dave Howe, Louanne Walker, ACLU of KY in support of motion for order holding dfts in contempt or in the alternative, for supplemental preliminary injunction [40-2] (RBB) (Entered: 12/08/2000)

12/15/2000 42 NOTICE OF FILING by plfs/appellees, Dave Howe, Louanne Walker, ACLU of RELATED DECISION (RBB) (Entered: 12/15/2000)

12/15/2000 43 NOTICE by plf/appellees, Dave Howe, Louanne Walker, ACLU of KY of UNAVAILABILITY DATES TO ATTEND HEARINGS (RBB) (Entered: 12/15/2000)

12/26/2000 44 RESPONSE by dft Jimmie Greene, McCreary County, KY to mtn for order holding dfts in contempt [40-1], to mtn for

supplemental preliminary injunction [40-2] (NHS) (Entered: 12/27/2000)

12/26/2000 45 NOTICE OF FILING by dft Jimmie Greene, McCreary County, KY of affidavit of Judge Jimmie Greene in support of dfts' response to plfs' mtn for contempt, or alternatively, suppl prelim inj (NHS) (Entered: 12/27/2000)

12/26/2000 46 AFFIDAVIT of JIMMIE GREEN re NOTICE OF FILING [45-1], re MEMORANDUM IN OPPOSITION TO PLFS' MTN FOR CONTEMPT or alternatively SUPPL PRELIM INJ [44-1] (NHS) (Entered: 12/27/2000)

01/11/2001 -- SUBMITTED re motion for order holding dfts in contempt [40-1], re motion for supplemental preliminary injunction [40-2] is submitted (NHS) (Entered: 01/11/2001)

01/12/2001 47 ORDER by Judge Jennifer B. Coffman: upon court's own mtn; court deems it in best interest of parties to have matter heard in open court; setting hearing on mtn for order holding dfts in contempt [40-1], mtn for suppl prelim inj [40-2] 3/30/01 at 2:00 p.m. in LONDON ; court will further conduct status conf on 3/30/01 at 2:00 p.m. to further establish course of litigation (cc: all counsel) [EOD Date:

1/16/01] (NHS) (Entered: 01/16/2001)

03/23/2001 48 SUPPLEMENTAL AUTHORITY by dfts Jimmie Greene, McCreary County, KY re dft's response (Memorandum In Opposition) to plf's motion for contempt or supplemental preliminary inj [44-1] (RBB) (Entered: 03/23/2001)

----------VOLUMETHREE----------

03/27/2001 49 NOTICE by dfts Jimmie Greene, McCreary County, KY of filing affidavits of DAVID BARTON AND WILLIAM J. FEDERER (RBB) (Entered: 03/28/2001)

03/27/2001 50 AFFIDAVIT of DAVID BARTON (filed by dfts) in support of dfts' response (opposition) to plfs' mt for contempt or for suppl prelimjinary inj; re [40-1], [40-2], [44-1], [48-1] (RBB) (Entered: 03/28/2001)

03/27/2001 51 AFFIDAVIT of WILLIAM J. FEDERER (filed by dfts) in support of dfts' response (Opposition) to plfs' mt for contempt or for supplemental preliminary inj; [40-1], [40-2], [44-1], [48-1] (RBB) (Entered: 03/28/2001)

04/02/2001 52 ORDER by Judge Jennifer B. Coffman hearing held 3/30/01 before Judge Jennifer B. Coffman ; David A. Friedman and

Laurie Griffith appeared for plfs; Mathew Staver and Johnnie Turner appeared for dfts; Court Reporter: Nathan Perkins; plfs' mtn for contempt DENIED; pts shall attempt to reach stlmt and notify court by 4/30/01; if pts unable to settle, court will issue ruling on plfs' mtn to supplement prelim inj by 5/15/01; if pts unable to settle, plfs shall file amd cmp no later than 30 days after court's ruling; dfts shall file answer to amd cmp no later than 20 days after cmp amd; discovery ddl 6/14/01; s/j mtns due 11/1/01 ; Case consolidated 6:99-cv-507 with member cases 6:99-cv-508, 6:99-cv-509 (cc: all counsel) [EOD Date: 4/2/01] (NHS) Modified on 04/02/2001 (Entered: 04/02/2001)

04/02/2001 -- REMARK: pursuant to Order filed 4/2/01 [52-1], London Civil Nos. 99-507, 99-508 and 99-509 are consolidated and pursuant to instructions from Chambers, 99-507 is to be lead case and all filings shall be filed in 99-507 (RBB) (Entered: 04/20/2001)

04/20/2001 53 MEMORANDUM by dfts Jimmie Greene, McCreary County, KY regarding acceptance of affidavits in opposition to plf's mt for supplemental preliminary injunction; [51-1], [50-1], [48-1], [46-1], [44-1], [40-1] (RBB) (Entered: 04/20/2001)

04/30/2001 54 JOINT MOTION by plfs, dfts, Jimmie Greene, McCreary County, KY, Dave Howe, Louanne Walker, ACLU of KY for enlargement of time to report on settlement negotiations (RBB) (Entered: 05/02/2001)

05/02/2001 -- SUBMITTED re joint motion for enlargement of time to report on settlement negotiations [54-1] is submitted (RBB) (Entered: 05/02/2001)

05/03/2001 55 ORDER by Judge Jennifer B. Coffman granting joint motion for enlargement of time to report on settlement negotiations [54-1]; rpt on status settlement due 5/16/01 (cc: all counsel) [EOD Date: 5/3/01] (NHS) (Entered: 05/03/2001)

05/16/2001 56 NOTICE by dfts Jimmie Greene, McCreary County, KY of Filing REGARDING HISTORICAL DISPLAYS (RBB) (Entered: 05/16/2001)

05/18/2001 57 STATUS REPORT by plfs Dave Howe, Louanne Walker, ACLU of KY; stating parties are unable to settle (RBB) (Entered: 05/21/2001)

05/30/2001 58 MOTION by plfs Dave Howe, Louanne Walker, ACLU of KY to strike affidavits of David Barton and William J. Federer , or in the alternative, for for the Court to

defer consideration of these affidavits until it decides the merits of the case (RBB) (Entered: 05/30/2001)

06/07/2001 59 RESPONSE by dfts, Jimmie Greene, McCreary County, KY to plfs' motion to strike affidavits of David Barton and William J. Federer [58-1], or in the alternative to defer consideration of hte affidavits [58-2] (RBB) (Entered: 06/07/2001)

06/22/2001 60 REPLY by plfs, Dave Howe, Louanne Walker, ACLU of KY to dfts' response to plfs' motion to strike affidavits of David Barton and William J. Federer [58-1] (RBB) (Entered: 06/22/2001)

06/22/2001 61 ORDER by Judge Jennifer B. Coffman: ORDERED plfs' motion to extend the prliminary injunction to the current displays is GRANTED; ORDERED that the displays shall be removed from the McCreary and Pulaski County courthouses and from the Harlan County schools IMMEDIATELY; ORDERED the parties shall submit joint written status reports no later than July 23, 2001, advising court whether they wish order to be the final judgment in this case (cc: all counsel) [EOD Date: 6/22/01] (RBB) (Entered: 06/22/2001)

06/27/2001 -- SUBMITTED re motion to strike affidavits of David Barton and William J. Federer [58-1], re motion for for the Court to defer consideration of these affidavits until it decides the merits of the case [58-2] is submitted (RBB) (Entered: 06/27/2001)

07/18/2001 62 CONSOLIDATED NOTICE OF APPEAL by dfts Jimmie Greene, McCreary County, KY from US District Court decision dated and filed June 22, 2001 (ORDER) [61-1] (cc: all counsel) (RBB) (Entered: 07/19/2001)

07/18/2001 -- RECEIVED re NOTICE OF APPEAL [62-1] fee in amt of $ 105 (Receipt # 089971) (RBB) (Entered: 07/19/2001)

07/19/2001 -- NOTIFICATION to 6CCA; Short Record Mailed, Appeal Package Mailed to Appellant, Copy of Docket Sheet to Parties; in 6:99-cv-00507; (consolidated w/ 6:99-cv-508; 6:99-cv-509) (cc: all counsel) (RBB) (Entered: 07/19/2001)

07/20/2001 63 AMENDED COMPLAINT [1-1] by plfs Dave Howe, Louanne Walker, ACLU of KY, Jane Doe(s), John Doe(s), Jane/John Doe(s), Lawrence Durham, Paul Lee (RBB) (Entered: 07/24/2001)

07/27/2001 64 TRANSCRIPT DESIGNATION and

Ordering Form for dates: 3/31/01 re: transcript [36-1]; and entire hearing on plf's motion for supplemental preliminary injunction (RBB) (Entered: 07/27/2001)

07/31/2001 65 MOTION by dfts, plfs for leave to file late joint status report (RBB) (Entered: 08/06/2001)

07/31/2001 -- PROPOSED JOINT STATUS REPORT tendered by dfts, plfs (RBB) (Entered: 08/06/2001)

08/02/2001 66 NOTIFICATION by 6CCA of Appellate Docket Number 01-5935; Case Manager - Mary Patterson (RBB) (Entered: 08/06/2001)

08/06/2001 -- SUBMITTED re joint motion for leave to file late joint status report [65-1] is submitted (RBB) (Entered: 08/06/2001)

08/09/2001 67 ORDER by Judge Jennifer B. Coffman granting parties joint motion for leave to file late joint status report [65-1] (cc: all counsel) [EOD Date: 8/10/01] (RBB) (Entered: 08/10/2001)

08/09/2001 68 JOINT STATUS REPORT by parties (Constured motion for discovery, construed motion for stay of action, pursuant to Order filed 9/10/01 DE#;72) (RBB) Modified on 09/11/2001 (Entered:

08/10/2001)

----------V O U M E F O U R ----------

08/13/2001 69 ANSWER by dfts Jimmie Greene, McCreary County, KY, Harlan Cty Sch Dist, Don Musselman, Pulaski County, KY, Darrell Beshears to Consolidated Amended Complaint [63-1] (RBB) (Entered: 08/15/2001)

08/20/2001 70 A M E N D E D A N S W E R T O C O N S O L I D A T E D A M E N D E D COMPLAINT [69-1] by defendants (RBB) (Entered: 08/21/2001)

09/06/2001 71 TRANSCRIPT filed of HEARING before JUDGE JENNIFER B. COFFMAN Date(s) of transcript 3/30/01 Ct. Rptr. Nathan F. Perkins (RBB) (Entered: 09/06/2001)

09/10/2001 72 ORDER by Judge Jennifer B. Coffman: matter before court on motion [58] by plfs to strike certain affidavits until after ruling on suppl preliminary injunction, and also upon the joint status report submitted by parties [68-1]; ORDERED motion of plfs regarding affidavits is GRANTED in PART, as it requests this court to defer consideration of the affidavits until after ruling on the suppl preliminary inj, as the court stated in order granting the suppl

preliminary inj that it was not commenting on the truth of the dfts' assertion of the Ten Commandments as a foundational document [61 n. 15), court views this statement as an implicit ruling on the plfs' motion; therefore, this clarification does nothing to alter the status quo w/ regard to the suppl preliminary inj, which is currently being appealed to the Sixth Circuit; FURTHER ORDERED that as the court construes the plfs' statment of position in the joint status report as a motion for discovery, the plfs are hereby directed to file, w/in 15 days of the date of entry of this order, a memo in support of this mt, indicating the purpose of requested discovery and a proposed timeline for the resolution of this case on its merits; response and reply times shall be governed by the local rules; plfs' response to this motion shall also include a proposed timeline for the resolution of this case on its merits; FURTHER ORDERED that, as the court construes the defendants' statement of the position in the joint status report as a motion to stay this action pending resolution of their appeal of the supplemental preliminary inj, the dfts are hereby directed to file, w/in 15 days of the entry of this order, a memo in support of this motion, specifying the grounds therefo, response and reply times shall be governed by the

local rules (cc: all counsel) [EOD Date: 9/11/01] (RBB) (Entered: 09/11/2001)

09/10/2001 73 MOTION by plfs to modify the litigation schedule by extending the discovery ddl from 9/18/01 thru 10/31/01 (RBB) (Entered: 09/13/2001)

09/20/2001 -- SUBMITTED re motion to modify the litigation schedule by extending the discovery ddl from 9/18/01 thru 10/31/01 [73-1] is submitted (RBB) (Entered: 09/20/2001)

09/25/2001 74 MEMORANDUM by plfs in support of Motion For Discovery [68-1]; (status report [68-1] construed as mt for discovery pursuant to Order [72-1]) (RBB) (Entered: 10/04/2001)

09/25/2001 75 MEMORANDUM by dfts in support of dfts' motion to stay proceedings pending resolution of appeal to 6CCA [68-1] ; (status report [68-1] is constured as motion to stay pursuant to order [72-1]) (RBB) (Entered: 10/04/2001)

10/14/2001 76 RESPONSE by plfs to dfts' motion to stay (STATUS REPORT) [68-1] (RBB) (Entered: 10/18/2001)

10/14/2001 77 RESPONSE (MEMORANDUM IN OPPOSITION) by dfts to plf's motion for

discovery [75-1], to [73-1] (RBB) (Entered: 10/18/2001)

12/04/2001 78 ORDER by Judge Jennifer B. Coffman: ORDERED dfts' mt to say is GRANTED and case is STAYED pending resolution of their interlocutory appeal; FURTHER ORDERED plfs' mt for discovery is DENIED; ORDERED pfs' mt to modify litigation schedule is DENIED AS MOOT (cc: all counsel) [EOD Date: 12/5/01] (RBB) (Entered: 12/05/2001)

12/04/2001 -- Case Stayed 12/4/2001 (SKV) (Entered: 03/16/2003)

01/08/2004 79 LETTER from USCA with corrected page for publication version of decision sent on 12/18/2003. (JMB) (Entered: 01/08/2004)

03/23/2004 80 ORDER: The Ct of Appeals having affirmed this ct's order granting preliminary injunction, it is ORDERED that parties shall file w/ this ct a status report w/i 30 days of entry of this order. . Signed by Judge Jennifer B Coffman. (JMB)cc: COR (Entered: 03/23/2004)

03/29/2004 81 MOTION to Lift Stay by American Civil Liberties Union of Kentucky (JMB) (Entered: 03/29/2004)

04/08/2004 82 DEFENDANT'S MEMORANDUM in

Opposition re [81] MOTION to Lift Stay by American Civil Liberties Union of Kentucky filed by Darrell Beshears, Jimmie Greene, Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY. (JMB) (Entered: 04/08/2004)

04/08/2004 83 DEFENDANT'S STATUS REPORT by Darrell Beshears, Jimmie Greene, Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY. (JMB) (Entered: 04/08/2004)

04/09/2004 84 MANDATE of USCA as to [62] Notice of Appeal filed by McCreary County, KY, Jimmie Greene: Order of the District Court is AFFIRMED. (JMB) (Entered: 04/09/2004)

04/23/2004 85 PLAINTIFFS' STATUS REPORT by American Civil Liberties Union of Kentucky, Lawrence Durham, Dave Howe, Paul Lee, Louanne Walker. (JMB) (Entered: 04/23/2004)

04/23/2004 86 REPLY to Response to Motion re [81] MOTION to Lift Stay by American Civil Liberties Union of Kentucky filed by American Civil Liberties Union of Kentucky, Lawrence Durham, Dave Howe, Paul Lee, Louanne Walker. (JMB) (Entered: 04/23/2004)

04/23/2004 -- ***MOTION SUBMITTED TO CHAMBERS FOR REVIEW: [81] MOTION to Lift Stay by American Civil Liberties Union of Kentucky (JMB) (Entered: 04/23/2004)

05/11/2004 87 ORDER: Defs' response [82] to plff's mt to lift stay is CONSTRUED as mt to extend stay; that mt is GRANTED. Action is stayed pending resolution of defs' petition for certiorari; FURTHER ORDERED that plffs' mt to lift stay [81] is DENIED. FURTHER ORDERED that parties shall file w/ ct a status report w/i 20 days of resolution of petition for certiorari. Motions terminated: [81] MOTION for Order by American Civil Liberties Union of Kentucky filed by American Civil Liberties Union of Kentucky.. Signed by Judge Jennifer B Coffman. (JMB)cc: COR Modified text on 5/21/2004 (Brock, Jacqueline). (Entered: 05/11/2004)

05/26/2004 88 Mail Returned as Undeliverable. (Order of 5/11/2004) Mail sent to KATHLEEN M. FLYNN. (EHM) (Entered: 05/26/2004)

10/18/2004 89 STATUS REPORT by Defendants Darrell Beshears, Jimmie Greene, Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY. (JMB) (Entered: 10/18/2004)

10/18/2004 -- Clerk's Note: FILE SUBMITTED to Chambers for review re [89] Status Report. (JMB) (Entered: 10/18/2004)

10/21/2004 90 ORDER re [89] Status Report filed by Harlan County School District, McCreary County, KY, Pulaski County, KY, Jimmie Greene, Don Musselman, Darrell Beshears: Dfts have filed status report [89] which this court construes as a motion to continue stay now imposed on these consolidaed cases, it is ORDERED that the status report be docketed as above construed. IT IS FURTHER ORDERED that response and reply ddls re the mt shall run according to Jt Local Rules for EDKY and WDKY.. Signed by Judge Jennifer B Coffman. (JMB)cc: COR (Entered: 10/22/2004)

10/21/2004 89 MOTION to Continue Stay by Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY (JMB) (Entered: 10/22/2004)

10/25/2004 91 LETTER from 6CCA with attached notice from Supreme Ct stating that Petition for Writ of Certiorari is granted. (JMB) (Entered: 10/25/2004)

11/02/2004 92 Mail (order of 10/21/04) Returned as Undeliverable. Mail sent to Kathleen M. Flynn (SWA) (Entered: 11/02/2004)

11/15/2004	--	***MOTION SUBMITTED TO CHAMBERS FOR REVIEW: [89] MOTION to Continue Stay by Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY (JMB) (Entered: 11/15/2004)
11/19/2004	93	ORDER re [89] MOTION to Continue by Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY filed by Harlan County School District, McCreary County, KY, Pulaski County, KY, Don Musselman: ORDERED that dfts' mt for extension of stay is GRANTED. Action is stayed pending decision of US Supreme Ct. FURTHER ORDERED that parties shall file w/ ct status report w/i 20 days of US Supreme Ct's decision. Motions terminated: [89] MOTION to Continue by Harlan County School District, McCreary County, KY, Don Musselman, Pulaski County, KY filed by Harlan County School District, McCreary County, KY, Pulaski County, KY, Don Musselman.. Signed by Judge Jennifer B Coffman. (JMB)cc: COR (Entered: 11/19/2004)

U.S. DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY (LONDON)
CIVIL DOCKET FOR CASE #: 6:99-cv-00509-JBC

Date	#	Description
11/18/1999	1	COMPLAINT (1 summons issued) with copy given to atty for service of process, Fee Paid $ 150, Receipt No. 082264 (RBB) (Entered: 11/19/1999)
11/18/1999	2	MOTION by plaintiff ACLU of KY, plaintiff Lawrence Durham, plaintiff Paul Lee for preliminary injunction (RBB) (Entered: 11/19/1999)
11/18/1999	3	MEMORANDUM by plaintiff ACLU of KY, plaintiff Lawrence Durham, plaintiff Paul Lee in support of motion for preliminary injunction [2-1] (RBB) (Entered: 11/19/1999)
12/03/1999	4	RETURN OF SERVICE executed upon defendant Pulaski County, KY on 11/22/99; service by certified mail; return rcpt requested (RBB) (Entered: 12/14/1999)
12/21/1999	5	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears to dismiss complaint (RBB) (Entered: 12/22/1999)

12/21/1999	6	MEMORANDUM by defendant Pulaski County, KY, Official Defendant Darrell Beshears in support of motion to dismiss complaint [5-1] (RBB) (Entered: 12/22/1999)
01/05/2000	7	ORDER by Judge Jennifer B. Coffman: that plfs shall have until 1/23/00 to file a response to dfts' motion to dismiss (cc: all counsel) [EOD Date: 1/6/00] (RBB) (Entered: 01/06/2000)
01/10/2000	8	AGREED MOTION by plaintiff, defendant, Official Defendant for extension until and including 1/23/00 to repsond to dfts' motion to dismiss (NHS) (Entered: 01/12/2000)
01/12/2000	--	SUBMITTED re motion for extension until and including 1/23/00 to repsond to dfts' motion to dismiss [8-1] is submitted (NHS) (Entered: 01/12/2000)
02/09/2000	9	MOTION by plaintiff ACLU of KY, plaintiff Lawrence Durham, plaintiff Paul Lee for leave to file consolidated reply/ response memoranda ; stating dfts consent to additional extension of time (RBB) (Entered: 02/11/2000)
02/09/2000	--	PROPOSED REPLY/RESPONSE MEMORANDA tendered by plaintiff ACLU of KY, plaintiff Lawrence Durham,

		plaintiff Paul Lee (RBB) (Entered: 02/11/2000)
02/11/2000	--	SUBMITTED re motion for leave to file consolidated reply/ response memoranda [9-1] is submitted (RBB) (Entered: 02/11/2000)
03/02/2000	10	ORDER by Judge Jennifer B. Coffman: plfs' motion for leave to file consolidated reply/ response memoranda [9-1] GRANTED; plfs have until 2/9/00 to file consolidated reply memorandum in support of motion for preliminary injunction and response memorandum in opposition to dfts' motion to dismiss (cc: all counsel) [EOD Date: 3/3/00] (NHS) (Entered: 03/03/2000)
03/02/2000	11	(CONSOLIDATED) RESPONSE by plaintiff ACLU of KY, plaintiff Lawrence Durham, plf Paul Lee to motion dft's to dismiss complaint [5-1] (RBB) Modified on 03/22/2000 (Entered: 03/22/2000)
03/02/2000	11	REPLY by plaintiff ACLU of KY, plaintiff Lawrence Durham, plaintiff Paul Lee to (dft's response) to plfs' motion for preliminary injunction [2-1] (RBB) (Entered: 03/22/2000)
03/20/2000	12	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears

for oral argument (RBB) Modified on 03/22/2000 (Entered: 03/22/2000)

03/20/2000 13 MEMORANDUM by defendant Pulaski County, KY, Official Defendant Darrell Beshears in support of motion for oral argument [11-1]; ATTACHMENTS FILED IN SEP. VOL. (RBB) Modified on 03/22/2000 (Entered: 03/22/2000)

03/20/2000 13 REPLY by defendant Pulaski County, KY, Official Defendant Darrell Beshears to plf's response to motion to dismiss complaint [5-1] (RBB) (Entered: 03/22/2000)

03/20/2000 13 (MEMORANDUM) RESPONSE (to CONSOLIDATED REPLY) by defendant Pulaski County, KY, Official Defendant Darrell Beshears to plfs' motion for preliminary injunction [2-1] (RBB) (Entered: 03/22/2000)

03/22/2000 -- SUBMITTED re dfts' motion to dismiss complaint [5-1], re plfs' motion for preliminary injunction [2-1] is submitted (RBB) (Entered: 03/22/2000)

03/27/2000 14 ORDER by Judge Jennifer B. Coffman: ORDERED that this matter is scheduled for hearing on April 20, 2000 at 01:00 p.m. (cc: all counsel) [EOD Date: 3/27/00] (RBB) (Entered: 03/27/2000)

04/20/2000 15 GENERAL MINUTES: (COPY--original filed in 99-cv-507) before Judge Jennifer B. Coffman; Date(s) 4/20/00; Court Reporter Nathan Perkins; in-court hearing held 4/20/00 ; Laurie Griffith, David Friedman, Kathleen M. Flynn for plfs; Theodore Amshoff, Ronald Ray, Johnnie for dfts; taking under advisement the motion to dismiss complaint [5-1], taking under advisement the motion for preliminary injunction [2-1] (cc: all counsel) [EOD Date: 4/21/00] (NHS) Modified on 04/24/2000 (Entered: 04/21/2000)

05/05/2000 16 ORDER by Judge Jennifer B. Coffman: ORDERED that plfs' motion for a preliminary injunction is DENIED; FURTHER ORDERED that the Ten Commandments display shall be removed from the Pulaski County Courthouse IMMEDIATELY; FURTHER ORDERED that neither the defendant Darrell Beshears nor any other Pulaski County official, acting in their official capacity, shall erect or cause to be erected similar displays w/in Pulaski County, Kentucky (cc: all counsel) [EOD Date: 5/5/00] (RBB) (Entered: 05/05/2000)

05/05/2000 -- RECEIVED re NOTICE OF APPEAL [17-1] fee in amount of $ 105 (Receipt # 083386) (RBB) (Entered: 05/11/2000)

----------V O L U M E 2----------

05/10/2000	17	NOTICE OF APPEAL by defendant Pulaski County, KY, Official Defendant Darrell Beshears from Dist. Court ORDER OF 5/5/00 [16-1] (cc: all counsel) (RBB) (Entered: 05/11/2000)
05/10/2000	18	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears for order to stay preliminary injunction during pendency of appeal (RBB) (Entered: 05/12/2000)
05/10/2000	19	MEMORANDUM by dft Pulaski County, KY, Official Dft Darrell Beshears in support of motion for order to stay preliminary injunction during pendency of appeal [18-1] (RBB) (Entered: 05/12/2000)
05/11/2000	--	NOTIFICATION to 6CCA; Short Record Mailed, Appeal Package Mailed to Appellant, Copy of Docket Sheet to Parties; [17-1] (cc: all counsel) (RBB) Modified on 05/11/2000 (Entered: 05/11/2000)
05/12/2000	20	ORDER by Judge Jennifer B. Coffman: ORDERED that dfts' motion for order to stay preliminary injunction during pendency of appeal [18-1] is DENIED; FURTHER ORDERED that plfs need not

		respond to dfts' mt for a stay (cc: all counsel) [EOD Date: 5/12/00] (RBB) (Entered: 05/12/2000)
05/15/2000	21	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears for order to stay preliminary inj during pendency of mt to 6CCA for stay pending appeal (RBB) (Entered: 05/18/2000)
05/22/2000	22	ORDER by Judge Jennifer B. Coffman: IT IS SO ORDERED: finding the defts' motion for order to stay preliminary inj during pendency of mt to 6CCA for stay pending appeal [21-1] moot (cc: all counsel) [EOD Date: 5/22/00] (EHM) (Entered: 05/22/2000)
05/25/2000	23	CERTIFIED COPY of 6CCA Order: ORDERED that dfts' mts for stays pending the appeal of the preliminary injunctions issued by the district court are denied (RBB) (Entered: 05/25/2000)
05/25/2000	24	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears to extend time to answer (RBB) (Entered: 05/30/2000)
05/25/2000	25	MOTION by defendant Pulaski County, KY, Official Defendant Darrell Beshears to withdraw attorney Colonel Ronald Ray and Theodore H. Amshoff, Jr. (RBB)

(Entered: 05/30/2000)

05/30/2000 26 NOTIFICATION by 6CCA of Appellate Docket Number 00-5636; Case Manager - Mary Patterson (SKV) (Entered: 05/30/2000)

06/06/2000 27 MOTION by dft Pulaski County, KY, Darrell Beshears for attorney ERIK W. STANLEY to appear hac vice (RBB) (Entered: 06/07/2000)

06/06/2000 28 MOTION by dft Pulaski County, KY, Darrell Beshears for attorney MATHEW D. STAVER to appear pro hac vice (RBB) (Entered: 06/07/2000)

06/06/2000 -- FEE PAID $ 130; Receipt No. 083470 for PHV fee for attorney Stanley and Staver -- (RBB) (Entered: 06/07/2000)

06/07/2000 -- SUBMITTED re motion for attorney MATHEW D. STAVER to appear pro hac vice [28-1], re motion for attorney ERIK W. to appear hac vice [27-1], re motion to withdraw attorney Colonel Ronald Ray and Theodore H. Amshoff, Jr. [25-1], re motion to extend time to answer [24-1] is submitted (RBB) (Entered: 06/07/2000)

06/08/2000 29 UNOPPOSED MOTION by dft Pulaski County, KY, Dft Darrell Beshears to extend time to answer until June 14, 2000

(RBB) (Entered: 06/09/2000)

06/09/2000 -- SUBMITTED re motion to extend time to answer until June 14, 2000 [29-1] is submitted (RBB) (Entered: 06/09/2000)

06/13/2000 30 ORDER by Judge Jennifer B. Coffman granting dft's mt to extend time to ans until 6/14/00 [29-1] (cc: all counsel) [EOD Date: 6/13/00] (RBB) (Entered: 06/13/2000)

06/13/2000 31 ORDER by Judge Jennifer B. Coffman granting motion for atty MATHEW D. STAVER to appear pro hac vice [28-1] dft Pulaski County, KY, Darrell Beshears (cc: all counsel) [EOD Date: 6/13/00] (RBB) (Entered: 06/13/2000)

06/13/2000 32 ORDER by Judge Jennifer B. Coffman granting motion for atty ERIK W. STANLEY to appear hac vice [27-1] for dfts Pulaski County, KY, Darrell Beshears (cc: all counsel) [EOD Date: 6/13/00] (RBB) (Entered: 06/13/2000)

06/14/2000 33 ANSWER by dft Pulaski County, KY, ofc dft Darrell Beshears to COMPLAINT [1-1] (NHS) (Entered: 06/14/2000)

06/14/2000 34 ORDER by Judge Jennifer B. Coffman: granting motion to withdraw attorney Colonel Ronald Ray and Theodore H.

Amshoff, Jr. [25-1] for Darrell Beshears, Pulaski County, KY (cc: all counsel) [EOD Date: 6/15/00] (NHS) (Entered: 06/15/2000)

08/01/2000 35 MOTION by dfts to clarify the preliminary injunction order dated 5/5/00 (RBB) Modified on 08/23/2000 (Entered: 08/02/2000)

08/16/2000 36 (COPY) TRANSCRIPT filed of HEARING before JENNIFER B. COFFMAN Date(s) of transcript 04/20/00; TRANSCRIPT FILED IN 99-507 RECORD (RBB) Modified on 08/23/2000 (Entered: 08/23/2000)

08/18/2000 37 RESPONSE by plfs to dfts' motion to clarify the preliminary injunction order dated 5/5/00 [35-1] (RBB) (Entered: 08/23/2000)

09/12/2000 -- SUBMITTED re motion to clarify the preliminary injunction order dated 5/5/00 [35-1] is submitted (RBB) (Entered: 09/12/2000)

09/15/2000 38 ORDER by Judge Jennifer B. Coffman denying motion to clarify the preliminary injunction order dated 5/5/00 (cc: all counsel) [EOD Date: 9/18/00] (RBB) (Entered: 09/18/2000)

09/27/2000 39 NOTICE by plaintiff of SUGGESTION OF DEATH of plf Paul Lee (RBB) (Entered: 09/27/2000)

10/27/2000 40 CERTIFIED COPY of 6CCA Order: dismissing the appeal [17-1]; upon consideration of appellants' consolidated mt to voluntarily dismiss appeal (RBB) (Entered: 10/31/2000)

12/07/2000 41 MOTION by plfs Paul Lee, Lawrence Durham, ACLU of KY for order holding dfts in contempt , or for supplemental preliminary injunction (RBB) (Entered: 12/08/2000)

12/07/2000 42 MEMORANDUM by plfs Paul Lee, Lawrence Durham, ACLU of KY in support of motion for order holding dfts in contempt of motion for supplemental preliminary injunction [41-2] (RBB) (Entered: 12/08/2000)

12/15/2000 43 NOTICE by plfs/appellees, Paul Lee, Lawrence Durham, ACLU of KY OF RELATED DICISION (RBB) (Entered: 12/15/2000)

12/15/2000 44 NOTICE by plfs/appellees, Paul Lee, Lawrence Durham, ACLU of KY, of COUNSEL'S UNAVAILABILITY TO ATTEND HRGS ON CERTAIN DATES (RBB) (Entered: 12/15/2000)

12/26/2000 45 RESPONSE by ofc dft Darrell Beshears, dft Pulaski County, KY to mtn for order holding dfts in contempt [41-1], to mtn for supplemental preliminary injunction [41-2] (NHS) (Entered: 12/27/2000)

12/26/2000 46 NOTICE OF FILING by ofc dft Darrell Beshears, dft Pulaski County, KY of affidavit of JUDGE DARRELL BESHEARS in support of dfts' opposition to plfs' mtn for contempt, or alternatively for suppl prelim inj (NHS) (Entered: 12/27/2000)

12/26/2000 47 AFFIDAVIT of JUDGE DARRELL BESHEARS re NOTICE OF FILING [46-1], re DFTS' OPPOSITION TO PLFS' MTN FOR CONTEMPT or alternatively, for SUPPL PRELIM INJ [45-1] (NHS) (Entered: 12/27/2000)

01/11/2001 -- SUBMITTED re motion for order holding dfts in contempt [41-1], re motion for supplemental preliminary injunction [41-2] is submitted (NHS) (Entered: 01/11/2001)

01/12/2001 48 ORDER by Judge Jennifer B. Coffman: upon court's own mtn, court deems it in best interest of parties to have mtns [41], [42] heard in open court; setting hearing on mtn for order holding dfts in contempt [41-1], mtn for suppl prelim inj [41-2] for

3/30/01 at 2:00 p.m. in LONDON ; court will also conduct status conf on 3/30/01 at 2:00 p.m. to establish course of litigation (cc: all counsel) [EOD Date: 1/16/01] (NHS) (Entered: 01/16/2001)

03/23/2001 49 SUPPLEMENTAL AUTHORITY by dft Darrell Beshears, Pulaski County, KY re dft's response (Memo In Opposition) to plf's motion for contempt or for suppl preliminary inj [45-1] (RBB) (Entered: 03/23/2001)

---------- VOLUMETHREE ----------

03/27/2001 50 NOTICE by dfts Darrell Beshears, Pulaski County, KY of filing AFFIDAVITS OF DAVID BARTON & WILLIAM J. FEDERER (RBB) (Entered: 03/28/2001)

03/27/2001 51 AFFIDAVIT of DAVID BARTON (filed by dfts) in support of dfts' response (opposition) to plfs' mt for contempt or for suppl preliminary inj; [41-1], [41-2], [45-1], [49-1] (RBB) (Entered: 03/28/2001)

03/27/2001 52 AFFIDAVIT of WILLIAM J. FEDERER (filed by dfts) in support of dfts' response (opposition) to plfs' mt for contempt or for suppl preliminary inj; [41-1], [41-2], [45-1], [49-1] (RBB) (Entered: 03/28/2001)

04/02/2001	53	ORDER by Judge Jennifer B. Coffman: hearing held 3/30/01 before Judge Jennifer B. Coffman ; David A. Friedman and Laurie Griffith appeared for plfs; Mathew Staver and Johnnie Turner appeared for dfts; Court Reporter: Nathan Perkins; plfs' mtn for contempt [41-1] DENIED; plfs' oral mtn to consolidate cases GRANTED; Case consolidated w/ 99-507, 99-508, 99-509 w/all pleadings to be filed in 99-507 ; pts shall attempt to reach stlmt of case and notify court by 4/30/01; if pts unable to settle court will issue ruling on plfs mtn to supplement prelim inj by 5/15/01; if pts unable to settle, plfs shall file amd cmp no later than 30 days after court's ruling; dfts shall file ans to amd cmp no later than 20 days after cmp amended; discovery ddl 9/2/01; s/j mtn ddl 11/1/01 (cc: all counsel) [EOD Date: 4/2/01] (NHS) (Entered: 04/02/2001)
04/02/2001	--	REMARK: pursuant to order filed 4/2/01, London Civil Nos. 99-507, 99-508 and 99-509 are consolidated and Chambers has orally designated 99-507 as the lead case; all further pleadings are to be filed in 99-507 (RBB) (Entered: 04/20/2001)
07/18/2001	--	CORRECTED DOCKET ENTRY TO SHOW CONSOLIDATED NOTICE OF INTERLOCUTORY APPEAL by Darrell Beshears, Pulaski County, KY filed in

Lead Case 99-507(SKV) (Entered: 07/23/2003)

US COURT OF APPEALS FOR THE SIXTH CIRCUIT
CASE SUMMARY
COURT OF APPEALS DOCKET #: 01-5935

Date	Description
7/26/01	Civil Case Docketed. Notice filed by Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Transcript needed: y (mcp)
7/27/01	APPEARANCE filed by Attorney Mathew D. Staver for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty [01-5935] (mcp)
7/27/01	APPEARANCE filed by Attorney Erik W. Stanley for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty [01-5935] (mcp)
7/27/01	TRANSCRIPT ORDER FORM filed by Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty: court reporter Nathan Perkins, transcript ordered on 07/27/01 [01-5935] [2397637-1] response due by 8/6/01 for Nathan Perkins [01-5935] (blh)

8/6/01	PRE-ARGUMENT STATEMENT filed by Erik W. Stanley for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty [01-5935] (mcp)
8/8/01	APPEARANCE filed by Attorney David A. Friedman for Appellees Paul Lee, Lawrence Durham, Jane Doe, Thomas Doe, Sarah Doe, David Howe, LouAnne Walker, ACLU [01-5935] (mcp)
8/16/01	LETTER SENT by blh to Court Reporter Nathan Perkins regarding transcript. Transcript was ordered on 7/27/01; no confirmation. response due by 8/27/01 for Nathan Perkins [01-5935] (blh)
9/6/01	TRANSCRIPT ORDER completed by court reporter Nathan Perkins for Document [2397637-1] transcript involving, Mathew D. Staver, Nathan Perkins. Number of pages: 95 per telephone conversation with ctr. [01-5935] (blh)
9/10/01	BRIEFING LETTER SENT setting briefing schedule: appellant proof brief due 10/22/01 ; appellee proof brief due 11/21/01 ; reply proof brief due 12/5/01 ; appendix due 12/12/01 ; final briefs due 1/2/02 . [01-5935] . (mcp)
9/24/01	APPEARANCE filed by Attorney Johnnie L. Turner for Appellants Darrell Beshears,

Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty [01-5935] (mcp)

10/15/01 Appellant MOTION filed to extend time to file brief for 4 days until 10/26/01. Motion filed by Mathew D. Staver for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty. Certificate of service date 10/12/01 [01-5935] (mcp)

10/16/01 LETTER SENT by mcp granting motion to extend briefing [2439749-1] filed by Mathew D. Staver. Resetting briefing schedule: [01-5935] appellant proof brief due now 10/26/01; appellee proof brief now due 11/26/01; reply proof brief due 12/10/01; appendix now due 12/17/01; final briefs now due 1/7/02 ; (mcp)

10/26/01 PROOF BRIEF filed by Johnnie L. Turner , Erik W. Stanley , Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty. Certificate of service date 10/25/01 Number of Pages: 76. [01-5935] (lak)

10/26/01 Request to require oral argument filed by Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant

Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty [01-5935] (lak)

11/5/01 BRIEF filed by David R. Huggins for Amicus Curiae Natl Legal Fndtn in support of Appellant. Copies 7. Certificate of service date 11/2/01. Number of Pages: 38. (Page 1 of brief indicates "The National Legal Foundation has authority to file this amicus brief pursuant to the consent of both parties".) [01-5935] (mcp)

11/19/01 APPEARANCE filed by Attorney David R. Huggins for Amicus Curiae Natl Legal Fndtn [01-5935] (mcp)

11/30/01 Appellee MOTION filed to file brief instanter. Motion filed by David A. Friedman for Appellee Paul Lee, Appellee Lawrence Durham, Appellee Thomas Doe, Appellee Sarah Doe, Appellee David Howe, Appellee LouAnne Walker, Appellee ACLU. Certificate of service date 11/27/01 . [01-5935] (lak)

11/30/01 PROOF BRIEF filed by David A. Friedman for Appellee Paul Lee, Appellee Lawrence Durham, Appellee Thomas Doe, Appellee Sarah Doe, Appellee David Howe, Appellee LouAnne Walker, Appellee ACLU. Certificate of service date 11/27/01. Number of Pages: 65. [01-5935] (lak)

11/30/01 Request to require oral argument filed by David A. Friedman for Appellee Paul Lee, Appellee Lawrence Durham, Appellee Thomas Doe, Appellee Sarah Doe, Appellee David Howe, Appellee LouAnne Walker, Appellee ACLU [01-5935] (lak)

12/3/01 LETTER SENT by lak granting motion to file brief instanter [2465340-1] filed by David A. Friedman [01-5935] (lak)

12/7/01 Copy of District Court Order of 12/4/2001 filed. Defendants' motion to stay is granted and this case is hereby stayed pending resolution of their interlocutory appeal. [01-5935] (mcp)

12/10/01 PROOF REPLY BRIEF filed by Johnnie L. Turner , Erik W. Stanley , Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty Certificate of service date 12/7/01 [01-5935] (lak)

12/17/01 APPENDIX filed by Johnnie L. Turner for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, ,Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School,

Appellant Jimmie Greene, Appellant McCreary Cnty. Copies: 5. Certificate of service date 12/13/01 [01-5935] (lak)

1/4/02 FINAL BRIEF filed by Johnnie L. Turner , Erik W. Stanley , Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty. Copies: 7. Certificate of service date 1/3/02 Number of Pages: 74. [01-5935] (lak)

1/4/02 Request to require oral argument filed by Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty [01-5935] (lak)

1/4/02 FINAL REPLY BRIEF filed by Johnnie L. Turner for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty, Erik W. Stanley for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene, Appellant McCreary Cnty, Mathew D. Staver for Appellant Darrell Beshears, Appellant Pulaski Cnty, Appellant Tim Saylor, Appellant Harlan Cnty School, Appellant Jimmie Greene,

Appellant McCreary Cnty. Copies: 7 Certificate of service date 1/3/02 Number of Pages: 38. [01-5935] (lak)

1/9/02 FINAL BRIEF filed by C. Laurie Griffith , David A. Friedman for Appellee Paul Lee, Appellee Lawrence Durham, Appellee Thomas Doe, Appellee Sarah Doe, Appellee David Howe, Appellee LouAnne Walker, Appellee ACLU. Copies: 7. Certificate of service date 1/7/02 . Number of Pages: 65. [01-5935] (lak)

1/9/02 Request to require oral argument filed by David A. Friedman for Appellee Paul Lee, Appellee Lawrence Durham, Appellee Thomas Doe, Appellee Sarah Doe, Appellee David Howe, Appellee LouAnne Walker, Appellee ACLU [01-5935] (lak)

2/25/02 ADDITIONAL CITATION filed by David A. Friedman for Appellees Paul Lee, Lawrence Durham, Thomas Doe, Sarah Doe, David Howe, LouAnne Walker, ACLU. Certificate of service date 2/22/02 [01-5935] (mcp)

3/11/02 ADDITIONAL CITATION filed by David A. Friedman for Appellees Paul Lee, Lawrence Durham, Thomas Doe, Sarah Doe, David Howe, LouAnne Walker, ACLU. Certificate of service date 3/8/02 [01-5935] (mcp)

5/6/02 NOTICE of unavailability during the week of 5/27/02 through 5/31/02, notice filed by Mathew D. Staver for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, Certificate of service date 5/2/02 [01-5935] (mcp)

8/29/02 NOTICE of unavailability filed by Mathew D. Staver for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty. Counsel unavailable for argument 9/2-6 & 16-20, 10/14-31, 11/1,12,18,25,27-29 & 12/23 -1/3/03. Certificate of service date 8/26/02 [01-5935] (mcp)

9/12/02 Oral argument date set for December 4, 2002 in court room 607. Notice of argument sent to counsel. [01-5935] (rld)

9/25/02 ADDITIONAL CITATION filed by Erik W. Stanley for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty. Certificate of service date 9/24/02 [01-5935] (mcp)

10/15/02 ADDITIONAL CITATION filed by Erik W. Stanley for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, McCreary Cnty. Certificate of service date 10/9/02 [01-5935] (mcp)

11/1/02 ADDITIONAL CITATION filed by Erik W. Stanley for Appellants Darrell Beshears, Pulaski Cnty, Tim Saylor, Harlan Cnty School, Jimmie Greene, and McCreary Cnty. Certificate of service date 10/29/02 [01-5935] (yh)

11/27/02 ADDITIONAL CITATION filed by Erik W. Stanley for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School,Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 11/26/02 [01-5935] (mcp)

12/4/02 CAUSE ARGUED on 12/4/02 by Mathew D. Staver for Appellant McCreary Cnty, Appellant Jimmie Greene, Appellant Harlan Cnty School, Appellant Tim Saylor, Appellant Pulaski Cnty, Appellant Darrell Beshears, David A. Friedman for Appellee ACLU, Appellee LouAnne Walker, Appellee David Howe, Appellee Sarah Doe, Appellee Thomas Doe, Appellee Lawrence Durham, Appellee Paul Lee before Judges Ryan, Clay, Gibbons. [01-5935] (srw)

7/21/03 ADDITIONAL CITATION filed by David A. Friedman for Appellees ACLU, LouAnne Walker, David Howe, Sarah Doe, Thomas Doe, Lawrence Durham, Paul Lee. Certificate of service date 7/18/03 [01-5935] (mcp)

9/18/03 Supplemental Authority filed by David A.

Friedman for Appellees ACLU, LouAnne Walker, David Howe, Sarah Doe, Thomas Doe, Lawrence Durham, Paul Lee. Certificate of service date 9/16/03 [01-5935] (mcp)

11/17/03 ADDITIONAL CITATION filed by Mathew D. Staver for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 11/14/03 [01-5935] (mcp)

12/18/03 OPINION filed : AFFIRMED, decision for publication pursuant to local rule 206 [01-5935] . James L. Ryan, Circuit Judge, dissenting; Eric L. Clay, Authoring Circuit Judge; Julia S. Gibbons, Circuit Judge, concurring. (jmb)

12/18/03 JUDGMENT : AFFIRMED . (jmb)

12/23/03 Appellant MOTION filed to extend time to 1/16/04 to file a petition for rehearing en banc. Motion filed by Erik W. Stanley for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 12/22/03 [01-5935] (blh)

12/23/03 RULING granting motion to extend time to 1/16/04 to file a petition for rehearing en banc [2874311-1] filed by Erik W. Stanley. Petition to be filed by 1/16/04. [01-5935] (blh)

1/5/04 OPINION CORRECTION LETTER sent indicating revisions to published opinion filed 12/18/03 [01-5935] (mcp)

1/16/04 PETITION for en banc rehearing filed by Erik W. Stanley for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 1/14/04. [01-5935] (blh)

1/22/04 LETTER SENT by blh to David A. Friedman for Appellees ACLU, LouAnne Walker, David Howe, Sarah Doe, Thomas Doe, Lawrence Durham, Paul Lee notifying that party is directed to respond to a petition for en banc rehearing [2886377-1] filed by Erik W. Stanley. Response due by 2/5/04. [01-5935]. (blh)

2/5/04 RESPONSE to a petition for en banc rehearing [2886377-1] filed by Erik W. Stanley. Response filed by David A. Friedman for Appellees ACLU, LouAnne Walker, David Howe, Sarah Doe, Thomas Doe, Lawrence Durham, Paul Lee. Certificate of service date 2/5/04 . [01-5935] (blh)

3/23/04 ORDER filed denying petition for en banc rehearing [2886377-1] filed by Erik W. Stanley, decision for publication. [01-5935] Entered by order of the court. Judge Clay concurring, joined by Judge Martin; Chief

Judge Boggs dissenting, joined by Judge Batchelder. (blh)

3/24/04 LETTER SENT by Deputy Clerk to David A. Friedman, Mathew D. Staver, Johnnie L. Turner, Erik W. Stanley & David R. Huggins. Enclosing a copy of a published order filed 3/23/04. [01-5935] . (mcp)

4/7/04 MANDATE ISSUED with no cost taxed [01-5935] (lak)

4/8/04 Appellant MOTION filed to stay mandate pending the filing of a Petition for Writ of Ceriorari. Motion filed by Erik W. Stanley for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 4/5/04 [01-5935] (mcp)

4/16/04 Appellant MOTION filed to recall mandate and stay mandate pending the filing of a petition for writ of certiorari. Motion filed by Erik W. Stanley for Appellants McCreary Cnty, Jimmie Greene, Harlan Cnty School, Tim Saylor, Pulaski Cnty, Darrell Beshears. Certificate of service date 4/15/04 [01-5935] (mcp)

5/19/04 ORDER filed denying motion to stay mandate [2938748-1] and denying motion to recall mandate [2938752-1] filed by Erik W. Stanley [01-5935] . James L. Ryan, Circuit Judge, Eric

L. Clay, Circuit Judge, Julia S. Gibbons, Circuit Judge. (mcp)

7/1/04 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellant McCreary Cnty . Filed in the Supreme Court on 06021004 , Supreme Ct. case number: 03-1693 . [01-5935] (swh)

7/6/04 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Harlan County, KY and Tim Saylor . Filed in the Supreme Court on 06-21-04 , Supreme Ct. case number: 03-1698 . [01-5935] (swh)

10/20/04 U.S. Supreme Court letter filed granting petition for writ of certiorari [2983032-1] filed by McCreary Cnty [01-5935] Supreme Court No. 03-1693 . Filed in the Supreme Court on 10-12-04 . (swh)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LONDON DIVISION

AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY; LOUANNE WALKER; and DAVE HOWE,	)	
Plaintiffs,	)	
v	)	No. 99-507
MCREARY COUNTY, KENTUCKY; and JIMMIE GREENE, in his official capacity as McCreary County Judge Executive	)	
Defendants.	)	

AFFIDAVIT OF JUDGE JIMMIE GREEN IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CONTEMPT OR, IN THE ALTERNATIVE, FOR SUPPLEMENTAL PRELIMINARY INJUNCTION

STATE OF KENTUCKY
COUNTY OF MCCREARY

Upon being duly sworn by the undersigned officer empowered to administer and attest to oaths, the Affiant, Judge Jimmie Green, testifies as follows:

1. I am a Defendant in the above-captioned action in my official capacity as McCreary County Judge Executive.

2. After this Court entered its Order of May 5, 2000, requiring the removal of a display containing the Ten Commandments, I obeyed this Court's Order and caused the display to be removed from the walls of the Courthouse.

3. Shortly thereafter, I allowed a modified display to be hung on a wall in the Courthouse. This modified display contained the full text of the Magna Carta, the full text of the Declaration of Independence, the full text of the Bill of Rights of the Constitution of the United States, a picture of Lady Justice together with an explanation of her significance, the full text of the national motto of the United States together with the preamble to the Kentucky Constitution, the full text of the Star Spangled Banner, the full text of the Ten Commandments, the full text of the Mayflower Compact, and an explanation of each of the documents' historical and legal

significance.

4. The document display is entitled, "The Foundations of American Law and Government Display." The purpose of the display is to display documents that played a significant role in the foundation of our system of law and government. The purpose of the display is educational in nature, and is intended to reflect a sampling of documents that played a significant role in the development of the legal and governmental system of the United States.

5. It was and is my intention to comply with this Court's Order of May 5, 2000, when I took down the display that this Court had ordered to be taken down. It was and is my further intention, to comply with this Court's Order in allowing the modified display to be hung on the walls of the Courthouse. I strongly believe that the new display erected in October of this year, is not a "similar display" within the meaning of this Court's Order of May 5, 2000. I firmly believe that the new

display erected in October bears no relation to the modified display that this Court ordered to be taken down in May.

6. This purpose of the display is sincere, and the display is not intended to convey endorsement of any religion.

7. It was my intention, and has always been my intention, to fully comply with this Court's Order of May 5, 2000. I do not believe that I have violated this Court's Order of May 5 in any way, and I firmly believe that the new display erected in October is constitutional.

Further Affiant sayeth not. Under penalty of perjury, I declare that I have read the foregoing; that the facts alleged are true, to the best of my knowledge and belief.

/s Judge Jimmie W. Greene
JUDGE JIMMIE GREEN

STATE OF KENTUCKY
COUNTY OF MCCREARY

The foregoing instrument was acknowledged before me this 21st day of DECEMBER, 2000, by JIMMIE GREEN,

who is personally known to me or who has produced identification and who took an oath/affirmed.

Doris Ball
Notary Public
My Commission expires: 12-18-2001

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LONDON DIVISION

AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY; LAWRENCE DURHAM; and PAUL LEE,	)	
Plaintiffs,	)	
v	)	No. 99-509
PULASKI COUNTY, KENTUCKY; and DARRELL BESHEARS, in his official capacity as Pulaski County Judge Executive	)	
Defendants.	)	

AFFIDAVIT OF JUDGE DARRELL BESHEARS IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR CONTEMPT OR, IN THE ALTERNATIVE, FOR SUPPLEMENTAL PRELIMINARY INJUNCTION

STATE OF KENTUCKY
COUNTY OF PULASKI

Upon being duly sworn by the undersigned officer empowered to administer and attest to oaths, the Affiant, Judge Darrell Beshears, testifies as follows:

1. I am a Defendant in the above-captioned action in my official capacity as Pulaski County Judge Executive.

2. After this Court entered its Order of May 5, 2000, requiring the removal of a display containing the Ten Commandments, I obeyed this Court's Order and caused the display to be removed from the walls of the Courthouse.

3. Shortly thereafter, I allowed a modified display to be hung on a wall in the Courthouse. This modified display contained the full text of the Magna Carta, the full text of the Declaration of Independence, the full text of the Bill of Rights of the Constitution of the United States, a picture of Lady Justice together with an explanation of her significance, the full text of the national motto of the United States together with the preamble to the Kentucky Constitution, the full text of the Star Spangled Banner, the full text of the Ten Commandments, the full text of the Mayflower Compact, and an explanation of each of the documents' historical and legal

significance.

4. The document display is entitled, "The Foundations of American Law and Government Display." The purpose of the display is to display documents that played a significant role in the foundation of our system of law and government. The purpose of the display is educational in nature, and is intended to reflect a sampling of documents that played a significant role in the development of the legal and governmental system of the United States.

5. It was and is my intention to comply with this Court's Order of May 5, 2000, when I took down the display that this Court had ordered to be taken down. It was and is my further intention, to comply with this Court's Order in allowing the modified display to be hung on the walls of the Courthouse. I strongly believe that the new display erected in October of this year, is not a "similar display" within the meaning of this Court's Order of May 5, 2000. I firmly believe that the new

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Further Affiant sayeth not. Under penalty of perjury, I declare that I have read the foregoing; that the facts alleged are true, to the best of my knowledge and belief.

Darrell BeShears
JUDGE DARRELL BESHEARS

STATE OF KENTUCKY
COUNTY OF PULASKI

The foregoing instrument was acknowledged before me this 21st day of DECEMBER, 2000, by DARRELL BESHEARS, who is personally known to me or who has

produced identification and who took an oath/affirmed.

Beverly L. Harget
Notary Public
My Commission expires: 2-25-2001